

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

FIRST REGULAR SESSION
SIXTIETH LEGISLATURE

FORTY-FOURTH LEGISLATIVE DAY
TUESDAY, FEBRUARY 24, 2009

House of Representatives

The House convened at 10:30 a.m., the Speaker in the Chair.

Roll call showed all 70 members present.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Philip Alexander, Page.

Approval of Journal

February 24, 2009

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Forty-third Legislative Day and recommend that same be adopted as corrected.

CLARK, Chairman

Mr. Clark moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

Consideration of Messages from the Governor and the Senate

February 23, 2009

Mr. Speaker:

I transmit herewith enrolled [S 1067](#), [S 1068](#), and [S 1069](#) for the signature of the Speaker.

WOOD, Secretary

The Speaker announced he was about to sign enrolled [S 1067](#), [S 1068](#), and [S 1069](#) and, when so signed, ordered them returned to the Senate.

February 23, 2009

Mr. Speaker:

I transmit herewith [SCR 104](#), [SCR 105](#), [SCR 106](#), [S 1062](#), and [S 1076](#) which have passed the Senate.

WOOD, Secretary

[SCR 104](#), [SCR 105](#), [SCR 106](#), [S 1062](#), and [S 1076](#) were filed for first reading.

February 23, 2009

Mr. Speaker:

I return herewith [HCR 17](#), [H 85](#), and [H 86](#) which have passed the Senate.

WOOD, Secretary

[HCR 17](#), [H 85](#), and [H 86](#) were referred to the Judiciary, Rules, and Administration Committee for enrolling.

Report of Standing Committees

February 24, 2009

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [H 193](#).

CLARK, Chairman

[H 193](#) was referred to the Education Committee.

February 24, 2009

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled [H 9](#), [H 18](#), [H 28](#), [H 1](#), and [HJM 2](#).

CLARK, Chairman

The Speaker announced he was about to sign enrolled [H 9](#), [H 18](#), [H 28](#), [H 1](#), and [HJM 2](#) and, when so signed, ordered them transmitted to the Senate for the signature of the President.

February 23, 2009

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled [HCR 9](#) to the Secretary of State at 2:39 p.m., as of this date, February 23, 2009.

CLARK, Chairman

February 23, 2009

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled [H 22](#), [H 66](#), and [H 67](#) to the Governor at 1:50 p.m., as of this date, February 23, 2009.

CLARK, Chairman

February 23, 2009

Mr. Speaker:

We, your COMMITTEE ON BUSINESS, report that we have had under consideration [H 88](#), [H 89](#), [H 90](#), [H 91](#), [H 92](#), and [H 109](#) and recommend that they do pass.

BLACK, Chairman

[H 88](#), [H 89](#), [H 90](#), [H 91](#), [H 92](#), and [H 109](#) were filed for second reading.

February 23, 2009

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have had under consideration [H 59](#), [H 60](#), [H 70](#), [H 71](#), [HCR 14](#), and [HR 2](#) and recommend that they do pass.

CLARK, Chairman

[H 59](#), [H 60](#), [H 70](#), [H 71](#), [HCR 14](#), and [HR 2](#) were filed for second reading.

There being no objection, the House advanced to the Seventh Order of Business.

Motions, Memorials, and Resolutions

HOUSE CONCURRENT RESOLUTION NO. 24 BY STATE AFFAIRS COMMITTEE

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING A CERTAIN RULE DOCKET OF THE BOARD OF PHARMACY RELATING TO RULES OF THE IDAHO BOARD OF PHARMACY.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that a certain rule docket of the Board of Pharmacy relating to Rules of the Idaho Board of Pharmacy is not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixtieth Idaho Legislature, the House of Representatives and the Senate concurring therein, that IDAPA 27.01.01, rules governing Rules of the Idaho Board of Pharmacy, rules of the Board of Pharmacy, adopted as a pending rule under Docket Number 27-0101-0811, the entire rulemaking docket, be, and the same is hereby rejected and declared null, void and of no force and effect.

[HCR 24](#) was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

[SCR 104](#), [SCR 105](#), and [SCR 106](#), by Judiciary and Rules Committee, were introduced, read the first time by title, and referred to the Resources and Conservation Committee.

Introduction, First Reading, and Reference of Bills and Joint Resolutions

HOUSE BILL NO. 194 BY STATE AFFAIRS COMMITTEE AN ACT

RELATING TO SPORT SHOOTING ACTIVITIES; AMENDING TITLE 6, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 27, TITLE 6, IDAHO CODE, TO DEFINE TERMS, TO PROVIDE FOR A LIMITATION OF LIABILITY ON CERTAIN SPORT SHOOTING ACTIVITIES AND TO PROVIDE EXCEPTIONS; AND AMENDING SECTION 6-904B, IDAHO CODE, TO PROVIDE AN EXCEPTION TO GOVERNMENTAL LIABILITY RELATING TO CERTAIN SPORT SHOOTING RANGES.

[H 194](#) was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

[S 1062](#), by Judiciary and Rules Committee, was introduced, read the first time by title, and referred to the Business Committee.

[S 1076](#), by Health and Welfare Committee, was introduced, read the first time by title, and referred to the Health and Welfare Committee.

There being no objection, the House advanced to the Tenth Order of Business.

Second Reading of Bills and Joint Resolutions

[H 157](#), by Education Committee, was read the second time by title and filed for third reading.

There being no objection, the House advanced to the Twelfth Order of Business.

Consideration of General Orders

Mr. Bedke moved that the House do now resolve itself into a Committee of the Whole House for the consideration of General Orders. Seconded by Mr. Rusche. Motion carried.

Whereupon the House resolved itself into a Committee of the Whole House for the consideration of General Orders with Mr. Bedke in the Chair.

When the Committee of the Whole House rose, the Speaker returned to the Chair and the House was in order.

Report of the Committee of the Whole House

February 24, 2009

Mr. Speaker:

We, your COMMITTEE OF THE WHOLE HOUSE, report that we have had under consideration [H 14](#), [H 32](#), [H 65](#), and [H 154](#) and report them back without recommendation, amended as follows:

HOUSE AMENDMENT TO H.B. NO. 14

AMENDMENT TO SECTION 1

On page 1 of the printed bill, in line 14, following "or" insert: "other".

HOUSE AMENDMENT TO H.B. NO. 32

AMENDMENT TO SECTION 8

On page 9 of the printed bill, in line 30, following "respects," insert: "including, but not limited to, the weight of the gloves required for contests and exhibitions.".

CORRECTION TO TITLE

On page 1, in line 24, following "BOUTS" delete "AND TO DELETE REQUIREMENTS RELATING TO THE WEIGHT" and in line 25, delete "OF GLOVES".

HOUSE AMENDMENT TO H.B. NO. 65

AMENDMENT TO SECTION 1

On page 1 of the printed bill, in line 14, delete "as" and insert: "as"; and delete line 15 and insert: "administered by the United States secretary of the treasury, and provided further, that such".

AMENDMENT TO SECTION 2

On page 1, delete line 24 and insert: "~~as administered by the United States secretary of the treasury~~, and provided further, that such".

CORRECTIONS TO TITLE

On page 1, in line 4, following "IDAHO" insert: ", TO DELETE ARCHAIC VERBIAGE"; and in line 6, following "NONRESIDENTS" insert: ", TO DELETE ARCHAIC VERBIAGE".

HOUSE AMENDMENT TO H.B. NO. 154

AMENDMENT TO SECTION 1

On page 1 of the printed bill, in line 13, delete "painted" and insert: "~~painted~~ applied"; in line 18, delete "painted" and insert: "~~painted~~ applied"; and in line 20, delete "which is painted" and insert: "~~which is painted~~".

Bedke, Chairman

Mr. Bedke moved that the reported be adopted. Seconded by Mr. Rusche.

Whereupon the Speaker declared the report adopted.

H 14, as amended, H 32, as amended, H 65, as amended, and H 154, as amended, were referred to the Judiciary, Rules, and Administration Committee for engrossing.

The amendments were referred to Judiciary, Rules, and Administration committee for printing.

There being no objection, the House returned to the Eleventh Order of Business.

Third Reading of Bills and Joint Resolutions

Mr. Loertscher asked unanimous consent that S 1043 be returned to the State Affairs Committee. There being no objection, it was so ordered.

HCR 16 was read the third time at length and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Eskridge to open debate.

The question being, "Shall HCR 16 be adopted?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Chew, Collins, Crane, Cronin, Durst, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Jarvis, Killen, King, Kren, Labrador, Lake, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Sayler, Schaefer, Shepherd(02), Shepherd(08), Shirley, Simpson, Smith(30), Smith(24), Stevenson, Takasugi, Thayn, Thompson, Trail, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 69.

NAYS – None.

Absent and excused – Clark. Total – 1.

Total – 70.

Whereupon the Speaker declared HCR 16 adopted and ordered the resolution transmitted to the Senate.

H 123 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Wood(27) to open debate.

The question being, "Shall H 123 pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Cronin, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Jarvis, Killen, King, Kren, Labrador, Lake, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Sayler, Schaefer, Shepherd(02), Shepherd(08), Shirley, Simpson, Smith(30), Smith(24), Stevenson, Takasugi, Thayn, Thompson, Trail, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 69.

NAYS – Durst. Total – 1.

Total – 70.

Whereupon the Speaker declared that H 123 passed the House. Title was approved and the bill ordered transmitted to the Senate.

H 57 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Shirley to open debate.

The question being, "Shall H 57 pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Cronin, Durst, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Jarvis, Killen, King, Kren, Labrador, Lake, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Sayler, Schaefer, Shepherd(02), Shepherd(08), Shirley, Simpson, Smith(30), Smith(24), Stevenson, Takasugi, Thayn, Thompson, Trail, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 70.

NAYS – None.

Whereupon the Speaker declared that H 57 passed the House. Title was approved and the bill ordered transmitted to the Senate.

H 78 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Ms. Chavez to open debate.

The question being, "Shall H 78 pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Cronin, Durst, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Jarvis, Killen, King, Kren, Labrador, Lake, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Sayler, Schaefer, Shepherd(02), Shepherd(08), Shirley, Simpson, Smith(30), Smith(24), Stevenson, Takasugi, Thayn, Thompson, Trail, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 70.

NAYS – None.

Whereupon the Speaker declared that [H 78](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[S 1018](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Nielsen to open debate.

The question being, "Shall [S 1018](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Cronin, Durst, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Jarvis, Killen, King, Kren, Labrador, Lake, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Sayler, Schaefer, Shepherd(02), Shepherd(08), Shirley, Simpson, Smith(30), Smith(24), Stevenson, Takasugi, Thayn, Thompson, Trail, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 70.

NAYS – None.

Whereupon the Speaker declared that [S 1018](#) passed the House. Title was approved and the bill ordered returned to the Senate.

[H 173](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Lake to open debate.

The question being, "Shall [H 173](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Chadderdon, Chavez, Chew, Clark, Crane, Cronin, Durst, Gibbs, Hagedorn, Hartgen, Henderson, Higgins, Jaquet, Killen, Kren, Labrador, Lake, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Sayler, Shepherd(02), Shepherd(08), Shirley, Simpson, Smith(30), Smith(24), Stevenson, Takasugi, Thayn, Thompson, Trail, Wills, Wood(27), Mr. Speaker. Total – 59.

NAYS – Barrett, Boyle, Burgoyne, Collins, Eskridge, Hart, Harwood, Jarvis, King, Schaefer, Wood(35). Total – 11.

Total – 70.

Whereupon the Speaker declared that [H 173](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[S 1041](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Crane to open debate.

The question being, "Shall [S 1041](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Cronin, Durst, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Jarvis, Killen, King, Kren, Labrador, Lake, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Sayler, Schaefer, Shepherd(02), Shepherd(08), Shirley, Simpson, Smith(30), Smith(24), Stevenson, Takasugi, Thayn, Thompson, Trail, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 70.

NAYS – None.

Whereupon the Speaker declared that [S 1041](#) passed the House. Title was approved and the bill ordered returned to the Senate.

[H 119](#) was read the third time at length, section by section, and placed before the House for final consideration.

Mr. Moyle asked unanimous consent, pursuant to Rule 46, that [H 119](#) be corrected as follows:

On page 5 of the printed bill, in line 25, the numbers "63-6315A(2)" should be changed to "63-3615A(2)."

There being no objection, it was so ordered.

The question being, "Shall [H 119](#), as corrected, pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Cronin, Durst, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Jarvis, Killen, King, Kren, Labrador, Lake, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Pasley-Stuart, Patrick, Pence, Raybould, Roberts, Ruchti, Rusche, Sayler, Shepherd(02), Shepherd(08), Shirley, Simpson, Smith(30), Stevenson, Takasugi, Thayn, Thompson, Trail, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 67.

NAYS – Ringo, Smith(24). Total – 2.

Absent and excused – Schaefer. Total – 1.

Total – 70.

Whereupon the Speaker declared that [H 119](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Moyle asked unanimous consent that the remaining bills on the Third Reading Calendar retain their places for one legislative day. There being no objection, it was so ordered.

Mr. Moyle moved that the House adjourn until 11 a.m., Wednesday, February 25, 2009. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker declared the House adjourned at 12:17 p.m.

LAWRENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk